

Conference Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 230

# **SENATE BILL 1127**

AN ACT

AMENDING TITLE 23, CHAPTER 6, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING  
SECTION 23-1043.04; RELATING TO WORKERS' COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 6, article 8, Arizona Revised Statutes,  
3 is amended by adding section 23-1043.04, to read:

4 23-1043.04. Methicillin-resistant staphylococcus aureus; spinal  
5 meningitis; tuberculosis; establishing exposure;  
6 definitions

7 A. A CLAIM FOR A CONDITION, INFECTION, DISEASE OR DISABILITY INVOLVING  
8 OR RELATED TO METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS, SPINAL MENINGITIS  
9 OR TUBERCULOSIS SHALL INCLUDE THE OCCURRENCE OF A SIGNIFICANT EXPOSURE AS  
10 DEFINED IN THIS SECTION AND, EXCEPT AS PROVIDED IN SUBSECTION B OF THIS  
11 SECTION, SHALL BE PROCESSED AND DETERMINED UNDER THIS CHAPTER AND APPLICABLE  
12 PRINCIPLES OF LAW.

13 B. NOTWITHSTANDING ANY OTHER LAW, AN EMPLOYEE WHO SATISFIES THE  
14 FOLLOWING CRITERIA PRESENTS A PRIMA FACIE CLAIM FOR A CONDITION, INFECTION,  
15 DISEASE OR DISABILITY INVOLVING OR RELATED TO METHICILLIN-RESISTANT  
16 STAPHYLOCOCCUS AUREUS, SPINAL MENINGITIS OR TUBERCULOSIS IF THE MEDICAL  
17 EVIDENCE SHOWS TO A REASONABLE DEGREE OF MEDICAL PROBABILITY THAT THE  
18 EMPLOYEE SUSTAINED A SIGNIFICANT EXPOSURE WITHIN THE MEANING OF THIS SECTION:

19 1. THE EMPLOYEE'S REGULAR COURSE OF EMPLOYMENT INVOLVES HANDLING OF OR  
20 EXPOSURE TO METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS, SPINAL MENINGITIS OR  
21 TUBERCULOSIS.

22 2. WITHIN TEN CALENDAR DAYS AFTER A POSSIBLE SIGNIFICANT EXPOSURE THAT  
23 ARISES OUT OF AND IN THE COURSE OF EMPLOYMENT, THE EMPLOYEE REPORTS IN  
24 WRITING TO THE EMPLOYER THE DETAILS OF THE EXPOSURE. THE EMPLOYER SHALL  
25 NOTIFY ITS INSURANCE CARRIER OR CLAIMS PROCESSOR OF THE REPORT. FAILURE OF  
26 THE EMPLOYER TO NOTIFY THE INSURANCE CARRIER IS NOT A DEFENSE TO A CLAIM BY  
27 THE EMPLOYEE.

28 3. FOR A CLAIM INVOLVING METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS,  
29 THE EMPLOYEE IS DIAGNOSED WITH METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS  
30 WITHIN TWO TO TEN DAYS OF THE POSSIBLE SIGNIFICANT EXPOSURE.

31 4. FOR A CLAIM INVOLVING SPINAL MENINGITIS, THE EMPLOYEE IS DIAGNOSED  
32 WITH SPINAL MENINGITIS WITHIN TWO TO EIGHTEEN DAYS OF THE POSSIBLE  
33 SIGNIFICANT EXPOSURE.

34 5. FOR A CLAIM INVOLVING TUBERCULOSIS, THE EMPLOYEE IS DIAGNOSED WITH  
35 TUBERCULOSIS WITHIN TWELVE WEEKS OF THE POSSIBLE SIGNIFICANT EXPOSURE.

36 C. ON PRESENTATION OR SHOWING OF A PRIMA FACIE CLAIM UNDER THIS  
37 SECTION, THE EMPLOYER MAY PRODUCE SPECIFIC, RELEVANT AND PROBATIVE EVIDENCE  
38 TO DISPUTE THE UNDERLYING FACTS, TO CONTEST WHETHER THE EXPOSURE WAS  
39 SIGNIFICANT AS DEFINED IN THIS SECTION OR TO ESTABLISH AN ALTERNATIVE  
40 SIGNIFICANT EXPOSURE INVOLVING THE PRESENCE OF METHICILLIN-RESISTANT  
41 STAPHYLOCOCCUS AUREUS, SPINAL MENINGITIS OR TUBERCULOSIS.

42 D. A PERSON ALLEGED TO BE A SOURCE OF A SIGNIFICANT EXPOSURE SHALL NOT  
43 BE COMPELLED BY SUBPOENA OR OTHER COURT ORDER TO RELEASE CONFIDENTIAL  
44 INFORMATION RELATING TO METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS, SPINAL  
45 MENINGITIS OR TUBERCULOSIS EITHER BY DOCUMENT OR BY ORAL TESTIMONY. EVIDENCE

1 OF THE ALLEGED SOURCE'S METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS, SPINAL  
2 MENINGITIS OR TUBERCULOSIS STATUS MAY BE INTRODUCED BY EITHER PARTY IF THE  
3 ALLEGED SOURCE KNOWINGLY AND WILLINGLY CONSENTS TO THE RELEASE OF THAT  
4 INFORMATION.

5 E. NOTWITHSTANDING TITLE 36, CHAPTER 6, ARTICLE 4, MEDICAL INFORMATION  
6 REGARDING THE EMPLOYEE OBTAINED BY A PHYSICIAN OR SURGEON IS SUBJECT TO  
7 SECTION 23-908, SUBSECTION D.

8 F. THE COMMISSION BY RULE SHALL PRESCRIBE REQUIREMENTS AND FORMS  
9 REGARDING EMPLOYEE NOTIFICATION OF THE REQUIREMENTS OF THIS SECTION AND THE  
10 PROPER DOCUMENTATION OF A SIGNIFICANT EXPOSURE.

11 G. NOTWITHSTANDING ANY OTHER LAW, EXPENSES FOR POSTEXPOSURE EVALUATION  
12 AND FOLLOW-UP, INCLUDING REASONABLY REQUIRED PROHYLACTIC TREATMENT, FOR  
13 SPINAL MENINGITIS OR TUBERCULOSIS, SHALL BE A MEDICAL BENEFIT UNDER SECTION  
14 23-1061 OR 23-1062 FOR ANY SIGNIFICANT EXPOSURE THAT ARISES OUT OF AND IN THE  
15 COURSE OF EMPLOYMENT IF THE EMPLOYEE FILES A CLAIM UNDER THIS ARTICLE FOR THE  
16 SIGNIFICANT EXPOSURE OR THE EMPLOYEE REPORTS IN WRITING TO THE EMPLOYER THE  
17 DETAILS OF THE EXPOSURE. PROVIDING POSTEXPOSURE EVALUATION AND FOLLOW-UP,  
18 INCLUDING PROHYLACTIC TREATMENT, DOES NOT CONSTITUTE ACCEPTANCE OF A CLAIM  
19 FOR A CONDITION, INFECTION, DISEASE OR DISABILITY INVOLVING OR RELATED TO THE  
20 SIGNIFICANT EXPOSURE.

21 H. FOR THE PURPOSES OF THIS SECTION:

22 1. "EMPLOYEE" MEANS FIREFIGHTERS, LAW ENFORCEMENT OFFICERS,  
23 CORRECTIONS OFFICERS, PROBATION OFFICERS, EMERGENCY MEDICAL TECHNICIANS AND  
24 PARAMEDICS WHO ARE NOT EMPLOYED BY A HEALTH CARE INSTITUTION AS DEFINED IN  
25 SECTION 36-401.

26 2. "SIGNIFICANT EXPOSURE" MEANS EXPOSURE IN THE COURSE OF EMPLOYMENT  
27 TO AEROSOLIZED BACTERIA FOR CLAIMS UNDER THIS SECTION RELATING TO  
28 METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS, SPINAL MENINGITIS OR  
29 TUBERCULOSIS. SIGNIFICANT EXPOSURE INCLUDES EXPOSURE IN THE COURSE OF  
30 EMPLOYMENT TO BODILY FLUIDS OR SKIN FOR CLAIMS UNDER THIS SECTION RELATING TO  
31 METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS.

APPROVED BY THE GOVERNOR MAY 24, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 24, 2007.